

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**SUNQUEST PROPERTIES, INC. and
COMPASS POINTE APARTMENTS
PARTNERSHIP**

PLAINTIFFS

v.

Civil Action No. 1:08-CV-692-LTS-RHW

**NATIONWIDE PROPERTY AND
CASUALTY INSURANCE COMPANY
and JOHN DOES 1-5,**

DEFENDANTS

**NATIONWIDE PROPERTY AND CASUALTY INSURANCE COMPANY'S
RESPONSE TO PLAINTIFFS' MOTION TO WITHDRAW APPRAISAL**

Defendant Nationwide Property & Casualty Insurance Company ("Nationwide") responds to Plaintiffs' Motion to Withdraw Appraisal as follows:

1. On March 29, 2010, Plaintiffs moved this Court to withdraw its June 22, 2009 Motion for Appraisal of the Entire Loss and to vacate the Court's August 10, 2009 Order requiring the parties to submit to an appraisal. (*See* Mar. 29, 2010 Pls.' Mot. to Withdraw Appraisal [Dkt. 226]).

2. Nationwide does not oppose Plaintiffs' request for the withdrawal of the appraisal in this matter. Nationwide further agrees that the Court should vacate its August 10, 2009 Order requiring an appraisal.

3. Due to the nature of this Response, Nationwide respectfully requests that the Court waive its usual requirement of a separate memorandum of authorities under L. U. Civ. R. 7(b)(2).

WHEREFORE, PREMISES CONSIDERED, Nationwide prays that Plaintiffs' Motion to Withdraw Appraisal be granted, and that the Court vacate its Order requiring the parties to submit to an appraisal.

THIS, the 30th day of March, 2010.

Respectfully submitted,

NATIONWIDE PROPERTY & CASUALTY
INSURANCE COMPANY, DEFENDANT

By Its Attorneys

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By: /s/ Laura L. Hill

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CERTIFICATE OF SERVICE

I certify that I have this day electronically filed the foregoing using the Court's ECF system, which sent electronic notification of such filing to:

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This the 30th day of March, 2010.

By: /s/ Laura L. Hill
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